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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,434	04/10/2001	Timothy Kraft	KEYL-002/00US	3806

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EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/832,434	Applicant(s) KRAFT ET AL.	
	Examiner Yasin M Barqadle	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/18/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 1-7 and 13-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Pogue et al US PN. (6112240).

As per claim 1, Pogue et al teach a system for monitoring usage of a web browser executing on a client computer (client computer 200, fig. 3) during interaction with a content server (content server 304, fig. 3), said system comprising:

a client component (a tracking program) for determining whether a user identification code associated with said web browser (cookie includes identifier code identifying a user col. 7, 2-10) indicates that said web browser is within a sampled population (identifier code related to user's browser identifies the user browser and the client computer that is tracked col. 4, lines 6-15 and col. 6, lines 46 to col. 7, line 10) and for transmitting usage data indicative of said interaction in the event said web browser is included within said sampled population (client computer information and a tracker message is transmitted by the client col. 2, lines 13-25 and col.5, lines 33-40) wherein said sampled population comprises a subset of a set of web browsers interacting with said content server (information relating to the browser type, version and cookie number identifying the client computer

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is obtained from the message header of tracker message col. 6, lines 46 to col. 7, line 10); and
a monitoring server for receiving said usage data transmitted by said client component (tracking computer 308 stores tracked information received from tracked client computers col. 4, lines 3-42)].

As per claim 2, Pogue et al teach the system of claim 1 wherein said user identification code is stored on said client computer as persistent client-side state information [cookie with user identifier code is stored on tracked client computers col. 6, lines 46 to col. 7, line 10)].

As per claim 3, Pogue et al teach the system of claim 1 wherein said client component includes a sampling tag embedded within a web page provided to said web browser by said content server (col. 4, lines 6-29), said sampling tag determining whether persistent client-side state information stored on said client computer includes identification information suitable for use as said user identification code (col. 4, lines 6-41 and col. 5, 7-53).

As per claim 4, Pogue et al teach the system of claim 3 wherein said sampling tag generates a random number

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corresponding to said user identification code in the event said identification information is determined to be unsuitable for use as said user identification code [random number is added the URL col. 6, lines 14-28].

As per claim 5, Pogue et al teach the system of claim 4 wherein said random number is appended to said persistent client-side state information and thereby stored on said client computer as said user identification code [random number is added the URL col. 6, lines 14-28].

As per claim 6, Pogue et al teach the system of claim 3 wherein said client component further includes a data collection script, said sampling tag requesting said data collection script to be downloaded from said monitoring server to said client computer in the event that said user identification code indicates that said web browser is included within said sampled population [col.4, lines 16-29 and col.6, lines 1-28].

As per claim 7, Pogue et al teach the system of claim 3 wherein said random number is stored on said client computer as said user identification code in the form of a sampling cookie distinct from said persistent client-side

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state information, said sampling tag determining whether said user identification code indicates that said web browser is included within said sampled population [col.6, lines 1-28 and col. 6, lines 46 to col. 7, line 10].

As per claims 13,17 and 21, Pogue et al teach the invention for monitoring user interaction with a web browser executing on a client computer, said method comprising the steps of (fig. 3 and abstract):

embedding, within a file, an address of a first server computer (col. 4, lines 6-29);

downloading said file from a second server computer to said client computer (col. 4, lines 61 to col. 5 lines 30],

determining whether a user identification code associated with said web browser indicates that said web browser is within a randomly selected subset of a set of web browsers interacting with said second server computer (identifier code related to user's browser identifies the user browser and the client computer that is tracked col. 4, lines 6-15 and col. 6, lines 46 to col. 7, line 10);

generating usage data indicative of said interaction in the event said web browser is within said randomly selected subset (information relating to the browser type, version and cookie number identifying the client computer

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is obtained from the message header of tracker message of the tracked computer col. 6, lines 46 to col. 7, line 10);

transmitting said usage data to said first server computer; and receiving said usage data at said first server computer and storing said usage data (tracking computer 308 stores tracked information received from tracked client computers col. 4, lines 3-42).

As per claims 14 and 18, Pogue et al teach the invention further including the step of storing said user identification code within said client computer as persistent client-side state information [cookie with user identifier code is stored on tracked client computers col. 6, lines 46 to col. 7, line 10].

As per claims 15, 19 and 22, Pogue et al teach the invention further including the step of determining whether persistent client-side state information associated with said web browser includes identification information suitable for use as said user identification code (col. 4, lines 6-41 and col. 5, 7-53).

As per claims 16, 20 and 23, Pogue et al teach the invention further including the steps of generating a

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random number corresponding to said user identification code in the event said identification information is determined to be unsuitable for use as said user identification code, and determining whether said random number indicates that said web browser is included within said randomly selected subset [random number is added the URL col. 6, lines 14-28].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pogue et al US PN. (6112240).

As per claim 8, Pogue et al show the invention substantially as explained in claim 1 above.

Pogue et al further teach a transmission channel and a

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first client component coupled to the transmission channel (see fig. 3 internet connection 295A).

Although, Pogue et al shows substantial features of the invention including a first client in local area network that is connected to Internet 295A, he does not show a second client with the similar functionality as the first client. Nonetheless, these feature of having more than on client in a local area network (LAN) is well known in the art as suggested by Pogue et al where computer 200 may be in local area network (col. 3, lines 62-67). It would have been obvious to one ordinary skill in the art at the time of the invention to include more than one client computer in the system of Pogue et al as suggest by Pogue et al in for the advantage of efficiently tracking particular browsers and determining the number of accesses made by a particular browser on a specified client computer.

As per claim 9, Pogue et al teach the system of claim 8 wherein said first client component determines whether persistent client-side state information stored on said first client computer and associated with said first web browser includes identification information suitable for use as said first user identification code (col. 4, lines 6-41 and col. 5, 7-53).

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As per claim 10, Pogue et al teach the system of claim 9 wherein said first client component generates a random number corresponding to said first user identification code in the event said identification information is determined to be suitable for use as said first user identification code (col. 4, lines 6-41 and col. 5, 7-53).

As per claim 11, Pogue et al teach the system of claim 8 wherein said first client component includes a first sampling tag and a first data collection script, said first sampling tag requesting said first data collection script to be downloaded from said monitoring server to said first client computer in the event that said first user identification code indicates that said first web browser is included within said sampled population [col.4, lines 16-29 and col.6, lines 1-28].

As per claim 12, a client component with similar limitations has been described in the rejection of claim 11 above. Therefore, it is rejected with the same rationale.

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Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

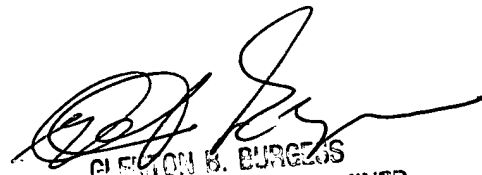
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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GLENN H. BURGESS
SUPERVISORY PATENT EXAMINER
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